

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

BRIAN W. SEXTON,

Hon. Thomas L. Ludington

Plaintiff,

vs.

File No. 12-10946 BC

**PANEL PROCESSING, INC.,
A Michigan Corporation, and
PANEL PROCESSING OF COLDWATER,
INC., A Michigan Corporation**

Defendants.

WILLIAM A. PFEIFER (P45263)
Attorney for Plaintiff
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BODMAN PLC
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AFFIDAVIT OF BRIAN SEXTON

State of Michigan)
)ss.
County of)

Now comes the affiant, Brian Sexton and being first duly sworn states that he is a legally competent adult and if required, can testify to the following facts.

1. I filed my complaint for violation of the Michigan Whistleblowers= Protection Act and for breach of an implied employment contract under Michigan law.
2. Subsequent to my filing, the Defendants removed the matter from state court to federal court alleging that a claim regarding ERISA must be brought in the federal court.
3. The only meaningful discovery conducted to date in this matter has been my deposition.


4. Although my attorney scheduled the depositions of CEO and Chairman of the Board Eric Smith of Defendant, COO Alan Kelsey of Defendant, Human Resources Officer Jennifer Roznowski of Defendant and employee Chuck Smith of Defendant.
5. Immediately preceding the filing of their Motion for Summary Judgment, attorney for Defendant cancelled the depositions, refused to produce the deponents/witnesses.
6. I, through my attorney, agreed to a stay of discovery pending the courts hearing of Defendants= Motion for Summary Judgment.
7. Some of the facts that I believe are relevant to my claims have not been discovered by me at this time.
8. Fed.R.Civ.P 56(c)(1)(A) allows a party to attach as part of its response to a motion for summary judgment that it has not been afforded an opportunity to conduct discovery and therefore is not in possession of facts that may be of benefit to its claim in the court ruling on a motion for summary judgment.
9. I affirmatively state that I believe additional facts exist that would support my claims in this lawsuit.

Further Affiant sayeth not.

Dated: 7-24-2012


Brian W. Sexton

Subscribed and sworn to before me this
24 day of July, 2012


KAREN J. POWERS, Notary Public WAYNE CO. ACTING
State of Michigan, County of BRANCH IN BRANCH CO
My Commission Expires: 5-9-13